

No. 98-2004

[UNPUBLISHED]

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Submitted: January 12, 1999

Filed: March 29, 1999

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Before BOWMAN, Chief Judge, MURPHY, Circuit Judge, and ALSOP,<sup>1</sup> District Judge.

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PER CURIAM.

Chicago Truck Drivers, Helpers and Warehouse Workers Union Pension Fund and its trustees (collectively, the Fund) filed a motion in the District Court<sup>2</sup> seeking sanctions pursuant to Rule 11 of the Federal Rules of Civil Procedure against the law firm of Dysart Taylor Lay Cotter & McMonigle and three individual attorneys. The court denied the motion and the Fund appealed. On February 1, 1999, we remanded the case to the District Court for explication of the court's decision denying the Fund's motion. See Chicago Truck Drivers, Helpers & Warehouse Workers Union Pension Fund v. Brotherhood Labor Leasing, No. 98-2004, 1999 WL 42247 (8th Cir. Feb. 1, 1999). We retained jurisdiction of the appeal. On February 17, 1999, the District Court filed a memorandum detailing its reasoning.

Having reviewed the District Court's thorough explanation, we now hold that the court did not abuse its discretion in denying the Fund's motion for Rule 11 sanctions.

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<sup>1</sup>The Honorable Donald D. Alsop, United States District Judge for the District of Minnesota, sitting by designation.

<sup>2</sup>The Honorable David D. Noce, United States Magistrate Judge for the Eastern District of Missouri, sitting with the consent of the parties pursuant to 28 U.S.C. § 636(c) (1994 & Supp. II 1996).

See Cooter & Gell v. Hartmarx Corp., 496 U.S. 384, 405 (1990) (standard of review).  
The order of the District Court is affirmed.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.